

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale  
Held on Tuesday, September 14, 2021 at 6:00 P.M.**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, September 14, 2021, at 6:00 P.M. at the Clubhouse at 19 N. Ninth St. and via Zoom Video Conference.

**CALL TO ORDER –Mayor Prud’homme-Bauer called the meeting to order at 6:00 P.M.**

Town Council:

Mayor Robyn Prud’homme-Bauer  
Vice Mayor Debbie Hunseder  
Councilmember Bill Regner  
Councilmember Marney Babbitt-Pierce  
Councilmember Lisa O’Neill

Town Staff:

Interim Town Manager Rob Sweeney  
Police Chief Randy Taylor  
Public Works Director Maher Hazine  
Community Development Director Ruth Mayday  
Parks and Recreation Manager Joni Westcott  
Town Clerk Mary Ellen Dunn

**PUBLIC COMMENT** – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

**Diane Schneider, Clarkdale resident, spoke regarding street conditions, particularly Crossroads at Mingus. Stated that she spoke before and had not been contacted by staff. Feels the street conditions, both aesthetics and safety, are not good.**

**REPORTS**

**Current Events** – A brief summary of current events. The Council will not propose, discuss, deliberate, or take legal action on any matter in the summary. Items submitted digitally appear as part of the official Council record in the meeting file and packet.

Mayor’s Report  
Vice-Mayor’s Report  
Councilmembers’ Report  
Town Manager’s Report

**Organizational Reports** – Reports regarding regional organizations submitted digitally for the following:

CAT – Cottonwood Area Transit – No meeting

VVTPO – Verde Valley Transportation Planning Organization – Council Member Regner will submit minutes when they are submitted.

NACOG – Northern Arizona Council of Governments – No meeting

NAMWUA - Northern Arizona Municipal Water Users Association - Council Member O'Neill submitted report and is in the Council packet.

VVREO – LRSPC - Verde Valley Regional Economic Organization's Long Range Strategic Plan – No meeting

TPAC – Transportation Policy Advisory Council - No meeting

VFLC – Verde Front Leadership Council – No meeting

**CONSENT AGENDA** - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held August 10, 2021.
- B. Domestic Violence Awareness Proclamation** – Approval of a Proclamation naming October as Domestic Violence Awareness Month, recognizing individuals and organizations who provide critical advocacy, services, and assistance to victims.
- C. Economic Adjustment Assistance (EDA) Grant** - Approval of letter of support for the U.S. EDA ARPA Grant for the Business Incubator and Workforce Center and Yavapai College.
- D. Common Council of The Town Of Clarkdale, Pursuant To Arizona Statutes, Calls For Executive Sessions** - The Council may enter into executive session pursuant to A.R.S. § 38-431.03(A) The Executive Sessions are hereby called for the following dates/times in Clarkdale Arizona:
- September 21, 2021 3 p.m., Clark Memorial Clubhouse & Zoom
  - September 29, 2021 12:30 p.m., Zoom
  - September 30, 2021 8:00 a.m. Zoom
  - October 18, 2021 8 a.m. Clark Memorial Clubhouse & Zoom
  - October 19, 2021 8 a.m. Clark Memorial Clubhouse

**Action: Approve Consent Agenda items A – D as presented.**

**Motion: Council Member Regner**

**Second: Vice Mayor Hunseder**

**Vote:**

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

**NEW BUSINESS**

**RECOGNITION OF GENERAL PLAN COMMITTEE MEMBERS AND PLANNING COMMISSIONERS** – Recognition and appreciation given to the members of the Committee and Commission in their contributions in the development of the 2021 General Plan.

The 2021 Clarkdale General Plan was created and developed by community members who formed the General Plan Committee and by volunteers who are also members of the Planning Commission. The Town of Clarkdale and its Community Development Department Director and staff request the Council join in to recognize these hard working volunteers for their tireless efforts in the creation of the 2021 Clarkdale General Plan.

**Action: This agenda item is to recognize the help of volunteers in the development of the General Plan. No Council action required.**

**PUBLIC HEARING REGARDING ADOPTION OF THE 2021 GENERAL PLAN** – A public hearing to receive input on Clarkdale's 2021 General Plan.

This Public Hearing constitutes the statutorily required public hearing prior to the approval of the General Plan by the Town Council.

Arizona Revised Statutes (ARS) requires that the Town Council hold at least one (1) public hearing prior to adopting the General Plan.

Having incorporated changes received from the agencies identified in the statute (none received), relevant comments from the Public Hearing held before the Planning Commission on August 17, 2021, and relevant comments from the Planning Commission received at the same meeting, staff recommends that the Town Council provide an opportunity for the public to comment on the document.

**Mayor Prud'homme Bauer opened the discussion to public comment. There was no public comment. The Mayor closed public comment.**

**Action: This is a public hearing only. No Council action required.**

**ADOPTION OF THE 2021 GENERAL PLAN** – Discussion and possible action regarding the adoption of Resolution #1654, a Resolution adopting the 2021 Town of Clarkdale General Plan.

Having held a public hearing noticed in compliance with the requirements set forth in A.R.S. 9-461.06, the Town Council may now consider and possibly approve the General Plan 2021 by adopting Resolution 1654. This is the final step in adopting the General Plan.

**Action: Approval of Resolution 1654, Adoption of the General Plan 2021.**

**Motion: Council Member Regner**

**Second: Council Member Babbitt-Pierce**

**Vote (roll call):**

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye

Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

**BUILDING OFFICIAL INTERGOVERNMENTAL AGREEMENT** – Discussion and possible action regarding an IGA between the Town of Clarkdale and the City of Cottonwood for use of building official on an as-needed basis.

The City of Cottonwood has been seeking a Certified Building Official (CBO) for some time but has not yet been able to employ a candidate. This IGA will enable the City to use the Town's CBO on an as-needed basis until such time as Cottonwood is able to hire a qualified candidate to fill the vacant position. With respect to scheduling and priority, the Town's needs would supersede those of Cottonwood's. Services will be reimbursed at a rate of \$78 per hour with a two (2) hour minimum for each call.

**Carole Schmitt, Clarkdale resident – asked about the reciprocation being monetary.**  
**Rob Robbins, Clarkdale resident – commented about liability**

**Mayor closed public comment.**

**Action: Approval of the Building Official IGA.**

**Motion: Vice Mayor Hunseder**

**Second: Council Member O'Neill**

**Vote:**

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

**TOWN OF CLARKDALE MISDEMEANOR PROSECUTION CONTRACT** – Discussion and possible action regarding the award of a professional services contract to J. Andrew Jolley, Prescott Law Group PLC, to perform Town misdemeanor prosecution, code enforcement and related legal services.

The Town of Clarkdale's current contract prosecutor, Mik Jordahl, is retiring at the end of September. Mr. Jordahl performs these services for both the City of Cottonwood and the Town. In anticipation of this transition, the City of Cottonwood issued a request for statements of qualifications and cost proposal for both the City and Town. The City received three proposals. A diverse team of Cottonwood and Clarkdale staff reviewed the proposals and completed interviews of the proposers. The evaluation panel unanimously agreed to award a contract to J. Andrew Jolley/Prescott Law Group PLC as the most responsive and responsible proposer.

Mr. Jolley serves as a municipal prosecutor in several jurisdictions as a significant part of his private law practice. Mr. Jolley will commence a transition plan with Mr. Jordahl to ensure continuity of service to both communities. Mr. Jolley's contract with the Town will be \$1,500 per month, or \$18,000 annually, which is within the budgeted amount for said services.

**Action: Approval of a proposed contract for Misdemeanor Prosecution, Code Enforcement and Related Professional Legal Services with J. Andrew Jolley/Prescott Law Group PLC.**

**Motion: Vice Mayor Hunseder**

**Second: Council Member O'Neill**

**Vote:**

<b>Voting Member</b>	<b>Aye/Nay</b>
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

**APS LEVEL 2 ELECTRIC VEHICLE CHARGING PILOT AGREEMENT** - Discussion and possible action regarding the approval of an Arizona Public Service (APS) Level 2 Electric Vehicle Charging Pilot Agreement.

The APS Take Charge AZ Pilot Program is intended to help participants to meet sustainability goals and improve Arizona's air quality. If selected, APS will install electrical infrastructure necessary to power EV Charging Station(s) at Town Hall complex. Electrical usage is tracked via separate meter and will be billed at a special service plan rate. The charges will be owned and maintained by APS for five years after which the Town can choose to take ownership or have them removed at no cost.

At the May 25<sup>th</sup> Council meeting, a work session was held to discuss the various options and the Town Council elected to proceed with the Clipper Creek HCS-40R Charger which is provided free of charge as part of the pilot. It limits driver access using a special key. However, the Town or APS will be unable to bill for the energy use. As such, the Town will bear the cost of the energy use. These anticipated costs were included as part of the FY 21/22 budget.

An initial site assessment was coordinated by APS and their consultant and was reviewed by Public Works staff. Staff is in agreement with the preliminary design.

The next stage is for the Town to formally sign off on the conceptual design and execute a customer agreement (Electric Vehicle Charging Station Pilot Agreement). This agreement outlines the terms and conditions under this program.

The agreement is valid for a period of five (5) years. After that time the Town would have the option to have these charging stations removed at APS's cost or continue their operation with the Town taking over the maintenance responsibilities.

Executing this agreement would allow APS to proceed to final design. An easement over the improvements would be required providing APS the right to locate on and enter the Town's property (main campus) to maintain their equipment. This easement (if the agreement is approved today) would be reviewed by the Town Engineer's Office.

**Mayor Prud'homme-Bauer opened the item to public comment.**

**Carol Schmitt, Clarkdale resident**

**Diane Schneider, Clarkdale resident**

**Mayor Prud'homme-Bauer closed public comment.**

**Action: Approve the preliminary design and the Arizona Public Service (APS) Level 2 Electric Vehicle Charging Pilot Agreement and authorize the Public Works Director/Town Engineer to execute the necessary documents including, but not limited to the final design, utility easement and the customer service agreement.**

**Motion: Vice Mayor Hunseder**

**Second: Council Member Babbitt-Pierce**

**Vote:**

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

**AN AMENDMENT TO AN EXISTING AGREEMENT FOR OPERATION AND MAINTENANCE OF CLARKDALE WASTEWATER TREATMENT PLANT (WWTP)** – Discussion and possible action regarding the approval of an amendment to an existing agreement with Contract Wastewater Operations, LLC to allow for additional services to operate and maintain the Clarkdale WWTP, including on-call services.

The Town of Clarkdale is responsible for the operation and maintenance of the Clarkdale Wastewater Treatment Plant (WWTP). This includes biological treatment units consisting of anoxic reactors, aerobic reactor, circular clarifier, aerobic digester along with necessary equipment required to meet permitted operation under the Town's Aquifer Protection Permit (APP) #105414 issued by the Arizona Department of Environmental Quality (ADEQ). The WWTP is authorized to treat a maximum monthly average daily flow of 0.35 million gallons per day.

Historically, the Town has operated this facility with its own personnel. However, due to lack of availability of qualified staff in the area (currently the Town has 3 vacant positions that we have not been able to fill for over 6-months despite various efforts), the Town has elected to retain the services of Contract Wastewater Operations, LLC (CWO). CWO has been providing services for the Town from time to time based on Town needs.

Currently the Town has an existing agreement with CWO to provide partial staffing at the WWTP. This amendment allows for CWO to take over the operations and maintenance of the WWTP and the associated lift stations located throughout Town. This amendment also includes shared responsibilities for on-call emergency services.

In compliance with Town Code, any purchase of product or service greater than \$10,000 requires three quotes. However, Town staff has attempted to get quotes from other similar companies or hire temporary staffing. Unfortunately, the other company that operates in the area was not able to provide a quote as they are also short staffed and are unable to meet the required staffing criteria. Additionally, firms that offer temporary contract operators were cost prohibitive. As such, we are electing to amend the existing agreement with CWO to allow for the added responsibilities. This amended agreement is valid for a period of one year. However, the Town would have the right to

cancel this agreement with a 90-day notice if qualified staff become available. This 90-day period would allow for new staff training and smooth transitioning. Under this agreement our existing staff will continue to be cross train to ensure that their skills and familiarity with the plant operation continuous.

The cost for this agreement is a lump sum of \$10,850 per month.

**Action: Approve an amendment to an existing agreement with Contract Wastewater Operations, LLC to allow for additional services to operate and maintain the Clarkdale Wastewater Treatment Plant (WWTP), including on-call services and authorize the Public Works Director to finalize and execute the amended agreement.**

**Motion: Council Member Babbitt-Pierce**

**Second: Council Member Regner**

**Vote:**

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

Town Clerk Mary Ellen Dunn introduced the remaining six agenda items to Council and presented recommended Boards and Commissions candidates in the audience to Council.

**RESOLUTION MAKING APPOINTMENTS TO THE PLANNING COMMISSION** – Discussion and possible action regarding the approval of Resolution #1648, amending Resolution #1645, making appointments to the Planning Commission.

The Planning Commission has three terms expiring on September 30, 2021. The Review Committee has determined that the incumbents that have re-applied should move forward to the Council in recommendations to continue to serve.

The panel is bringing forward the following names as recommendations to fill the seats on the Planning Commission that have terms that will expire September 30, 2023:

Tina Behr-Andres  
Ben Kramer  
Laura Jones

**RESOLUTION MAKING APPOINTMENT TO THE PUBLIC SAFETY PERSONNEL RETIREMENT SYSTEM (PSPRS) LOCAL BOARD** – Discussion and possible action regarding approval of Resolution #1649, amending Resolution #1643, making an appointment to the PSPRS Local Board.

The PSPRS Local Board has one term expiring on September 30, 2021. The interview panel appointed David Hache to fill a vacancy in May of this year and deemed it appropriate to offer him the option to continue serving on that Board pending Council approval.

The Selection Committee puts forward the following name as recommendation to serve on the PSPRS Local Board with a term to expire September 30, 2023:

David Hache

The Police Department voted by secret ballot to install Gilberto Bustamante as the Officer Member of the Local Board for the new term beginning October 1, 2021.

**RESOLUTION MAKING APPOINTMENTS TO THE DESIGN REVIEW BOARD** – Discussion and possible action regarding the approval of Resolution #1650, amending Resolution #1642, making appointments to the Design Review Board.

The Design Review Board has three (3) terms that will expire September 30, 2021.

The interview panel reviewed the applications submitted to the Clerk and are in agreement that the incumbents should have their names forwarded to Council and request they continue to serve.

The Selection Committee puts forward the following names as recommendations to serve on the Design Review Board with terms to expire September 30, 2023:

Rob Robbins  
Marsha Foutz  
Kerrie Snyder

**RESOLUTION MAKING APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION** – Discussion and possible action regarding the approval of Resolution #1651, amending Resolution #1632, making appointments to the Parks and Recreation Commission.

The Parks and Recreation Commission has two available seats due to terms expiring on September 30, 2020. Nick Wegman and Cynthia Malla are incumbents.

The panel put forward the following names as recommendations to fill the seats on the Parks and Recreation Commission with terms expiring as follows:

Nick Wegman (incumbent)	September 30, 2023
Cynthia Malla (incumbent)	September 30, 2023

**RESOLUTION MAKING APPOINTMENTS TO THE HISTORIC PRESERVATION COMMISSION** – Discussion and possible action regarding the approval of Resolution #1652, making appointments to the Historic Preservation Commission.

Background: The Historic Preservation Commission (HPC) was established in July of 2020 as part of the criteria and process in becoming a Certified Local Government (LCG). The Council determined that this commission would consist of five (5) members with expiring terms September 30<sup>th</sup> of each year to align with current Boards and Commissions.

The Review Committee received applications from two incumbents interested in serving additional terms on the Historic Preservation Commission.

The panel is bringing forward the following names as recommendations to fill the seats on the Historic Preservation Commission with terms expiring as follows:



Cindy Emmett  
Ed Loesche

September 30, 2023  
September 30, 2023

**RESOLUTION MAKING APPOINTMENT TO THE MUNICIPAL PROPERTY CORPORATION**

– Discussion and consideration of Resolution #1653, amending Resolution #1636, making an appointment to the Municipal Property Corporation (MPC).

Cities and towns in Arizona create Municipal Property Corporation's (MPC's) as "affiliates of the governmental unit". MPC's are created by the city or town, are financially accountable to the city/town that exercises control over the MPC's expenditures, and, if dissolved, the assets (if any) of the MPC are distributed back to the originating city/town. MPC's are typically used as a financing tool for certain municipal projects.

Clarkdale's Municipal Property Corporation (MPC) originated March 19, 1996 for the purpose of the administration of bonds and leases associated with the wastewater collection and treatment facilities.

After the completion of that project and its associated financial transactions, there was no longer business for the MPC to conduct. However, at the recommendation of the Town Attorney, the Clarkdale Town Council chose to retain the MPC in the event that the Town wanted to use it as a financing instrument in the future.

The Town Council appoints the members of the MPC, who to date have served 3-year staggered terms. Because there are no current financing projects for the MPC, the Board only meets for its statutorily required Annual Meeting. Doing so allows Clarkdale to retain an MPC and not have to go through the process of re-applying and creating a new corporation should we desire to use this financing tool in the future.

The MPC annual meeting business includes approval of the prior year's minutes, electing officers and authorizing the Town Attorney to complete the required annual report and file it with the Arizona Corporation Commission. This meeting typically takes about 5 minutes.

In October 2020, Council approved Resolution #1636, which made appointments to the Municipal Property Corporation, but also directed that the Mayor, or the Mayor's designee, be appointed as the President of the Corporation. The resolution also contained a provision that amended the terms previously ending on July 31<sup>st</sup> of the year to coincide with all other Boards and Commissions which end on September 30<sup>th</sup> of the year.

Kerrie Snyder is the incumbent on this board and has submitted her application to the Clerk. The Selection Panel agreed that her name be forwarded to Council in recommendation for continued service on this board with a term to expire September 30, 2024.

In an omnibus action the Council voted as follows:

**Action: Approve Resolutions #1648 - #1653, making appointments to the Planning Commission, Public Safety Personnel Retirement Local Board, Design Review Board, Parks and Recreation Commission, Historic Preservation Commission, and the Municipal Property Corporation Board.**

**Motion: Council Member Regner**

**Second: Vice Mayor Hunseder**

**Vote:**

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Vice Mayor Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

**FUTURE AGENDA ITEMS** – A request by Council for future items to be placed on the agenda.

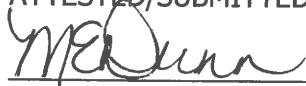
- **Water discussion to be held in January, 2022**
- **League of Cities and Towns Report September 28, 2021**

**ADJOURNMENT:** Without objection Mayor Prud'homme-Bauer adjourned the meeting at 7:29 P.M.

APPROVED:

  
Robyn Prud'homme-Bauer, Mayor

ATTESTED/SUBMITTED:

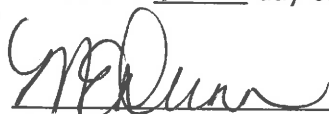
  
Mary Ellen Dunn, Town Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 14<sup>th</sup> day of September, 2021. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 12<sup>th</sup> day of October, 2021.

SEAL



Mary Ellen Dunn, Town Clerk